

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FIVE SPRINGS LLC,

Plaintiff,

v.

IOTA VIOLET LLC, *et al.*,

Defendants.

Case No. 2:15-cv-02280-APG-PAL

**ORDER REMANDING CASE TO
STATE COURT**

(ECF No.13)

Plaintiff Five Springs LLC filed this lawsuit in Nevada state court and the defendants removed the case to this court. Subsequently, Five Springs moved to remand the case to state court, asserting that this court does not have federal question or diversity jurisdiction. (ECF No. 13.) I ordered the defendants to show cause why this case should not be remanded. ECF No. 20. The defendants responded that they do not oppose remand. ECF No. 21.

Federal courts are courts of limited jurisdiction. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). “A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears.” *Stock West, Inc. v. Confederated Tribes of the Colville Res.*, 873 F.2d 1221, 1225 (9th Cir. 1989). “Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citing *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)). Thus, courts “strictly construe the removal statute against removal jurisdiction.” *Gaus, Inc.*, 980 F.2d at 566. “The ‘strong presumption’ against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper.” *Id.* Remand is required if the court lacks subject matter jurisdiction. 28 U.S.C. §1447(c); *see also Aguon-Schulte v. Guam Election Comm’n*, 469 F.3d 1236, 1240 (9th Cir. 2006) (“remand may be ordered either for lack of subject matter jurisdiction or for ‘any defect’ in the removal procedure”). Because Plaintiff has moved to remand this case and the defendants do not oppose, this case will be remanded.

1 IT IS THEREFORE ORDERED that this case is remanded to the state court from which it
2 was removed for all further proceedings. The Clerk of the Court is instructed to close this case.

3 DATED this 22nd day of April, 2016.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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